



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

DEC 3 2003

The Honorable Ruth Ann Minner
Governor of Delaware
William Penn Street, Tatnall Building
Dover, Delaware 19901

Dear Governor Minner:

Thank you for making recommendations on 8-hour ozone air quality designations. Your letter is an important step in providing the citizens of Delaware with information on air pollution levels where they live and work. Levels of ground-level ozone, a major constituent of smog, have improved significantly since the Clean Air Act (CAA) was amended in 1990, at which time 135 areas were designated as not attaining the 1-hour ozone standard. Since that time nearly half those areas (67) have cleaned up their air to meet the 1-hour ozone standard and have been redesignated as attaining that standard. However, many areas still have not met the less stringent 1-hour ozone standard and, in 1997, the United States Environmental Protection Agency (EPA) promulgated a more stringent 8-hour ozone national ambient air quality standard. Thus, much work remains to be done. Under the CAA, EPA is required to promulgate designations for new or revised standards, such as the 8-hour ozone standard. Earlier this year, after several public interest groups filed a lawsuit claiming EPA had not met the statutory deadline for designating areas for the 8-hour ozone standard, we entered into a consent decree that requires us to promulgate designations by April 15, 2004.

We have reviewed your letter dated July 14, 2003 submitting Delaware's recommendations on air quality designations for the 8-hour ozone standard. Consistent with section 107(d)(1) of the CAA, this letter is to inform you that, based upon the information contained in your letter, and in the absence of additional substantiation for your recommendations, EPA intends to make modifications to Delaware's recommended designations and boundaries. If you would like to provide additional information about the areas in question, please provide this information by February 6, 2004, so that we can continue to work with your office as we move forward to make final designations. To advance the designation and classification process, please submit by December 30, 2003 your final 2003 monitoring data into the Air Quality System and, in addition, submit it by the above date to Judith M. Katz, Director, Air Protection Division, by official letter so that we can place it in the docket for the designations rulemaking.

The CAA defines a nonattainment area as any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet) the national primary or secondary

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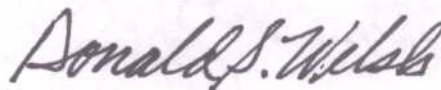
ambient air quality standard for the pollutant. EPA guidance indicates that Delaware should use the larger of the Consolidated Metropolitan Statistical Area, Metropolitan Statistical Area, or the 1-hour ozone nonattainment area as the presumptive boundary for 8-hour ozone nonattainment areas. The guidance provides criteria factors that Delaware should consider in determining whether to modify the presumptive boundaries. We have reviewed your supporting information to either expand or contract the presumptive nonattainment area.

In addition to updating the other supporting data for the relevant factors (e.g., 1999 emissions inventory, 2002 census data), EPA has been tracking 2003 ozone monitoring data and their impact on areas' preliminary 2001-2003 design values. Where the updated information, including the preliminary 2001-2003 ozone monitoring data, indicate that an area's attainment status will differ from Delaware's recommendation based on earlier data, including 2000-2002 monitoring data, EPA indicates the potential modification to the designation recommendation in the enclosure. Additionally, the EPA will continue to quality-assure all the relevant data to determine if it might affect the State's recommended designations. It is important for Delaware to expedite the submittal of 2003 ozone air quality data because it, along with the other data for the relevant factors, is critical to the designation and classification process.

The enclosure to this letter provides a table in which EPA identifies the Delaware counties that are being identified as nonattainment. We are also providing a written summary of our reasoning for modifying your recommendations, explaining why we believe that our modifications are more consistent with the statutory definition of a nonattainment area in light of the relevant factors provided in our guidance.

We look forward to a continued dialogue with Delaware as we work to finalize the designations for the 8-hour ozone standard. As you know, the job of improving ozone air quality is a difficult one and we appreciate your continued efforts to work with us toward this goal. We will review any supporting information that Delaware wishes to submit to EPA by February 6, 2004 on these recommendations. If you have any questions, please do not hesitate to contact me or have your staff contact Judith M. Katz, Director, Air Protection Division, at 215-814-2654.

Sincerely,



Donald S. Welsh
Regional Administrator

Enclosures

cc (w/enclosures):

The Honorable John A. Hughes, Secretary, DNREC

John B. Blevins, Director, DNREC

Ali Mirzahalili, Section Administrator, DNREC

Joyce Epps, Director of Air Quality, PADEP

Thomas Snyder, ARMA Director, MDE

Bradley M. Campbell, Commissioner New Jersey DEP

Enclosure 1

The following table identifies the counties within Delaware that EPA intends to designate as nonattainment. Following the table is a description of the area where EPA intends to modify the Delaware recommendation.

Area	Delaware Recommended Nonattainment Counties	EPA Recommended Nonattainment Counties
Philadelphia, DE-MD-NJ-PA	Kent County New Castle County Sussex County	Kent County New Castle County Sussex County

Enclosure 2

EPA Nonattainment Areas in Delaware

Delaware portion of the Philadelphia Area

Delaware recommended New Castle County, Kent County and Sussex County to be nonattainment, but did not specify the boundaries. EPA is modifying the Delaware recommendation to include New Castle County, Kent County and Sussex County as part of the Philadelphia nonattainment area. The Philadelphia nonattainment area consists of 5 counties in Pennsylvania, 5 counties in New Jersey, 3 counties in Delaware, and 1 county in Maryland. The Delaware portion includes New Castle County, Kent County and Sussex County. The Pennsylvania portion includes the following counties: Bucks County, Chester County, Delaware County, Montgomery County, and Philadelphia County. The New Jersey portion includes: Burlington County, Camden County, Gloucester County, Salem County, and Mercer County. The Maryland portion consists of Cecil County.